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DEPARTMENT OF HOMELAND SECURITY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

AMERICAN CIVIL LIBERTIES UNION,

Plaintiff,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT and UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

Case No. 4:23-cv-03450-DMR

**[PROPOSED] ORDER GRANTING
DEFENDANTS' CROSS-MOTION FOR
SUMMARY JUDGMENT AND DENYING
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT**

Hon. Donna M. Ryu

[PROPOSED] ORDER

This matter came on regularly for hearing on April 25, 2024, with the Honorable Donna M. Ryu presiding. This is a case brought under the Freedom of Information Act ("FOIA") by Plaintiff American Civil Liberties Union ("Plaintiff") against Defendants United States Immigration and Customs Enforcement ("ICE") and United States Department of Homeland Security ("DHS" and, together with ICE, collectively, "Defendants"). Pending before the Court are Plaintiff's Motion for Summary Judgment (ECF No. 34) and Defendant's Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment. Having considered the motions, and any oppositions, replies, and oral argument presented, the Court finds that the Offline Lexis Materials, to which ICE

1 subscribes pursuant to a limited license from RELX, Inc., are not controlled by ICE and are not agency
2 records subject to FOIA. *SDC Development Corp. v. Mathews*, 542 F.2d 1116, 1120 (9th Cir. 1976);
3 *Baizer v. U.S. Dep't of Air Force*, 887 F. Supp. 225, 229 (N.D. Cal. 1995). In addition, the Offline
4 Lexis Materials are confidential commercial information owned by RELX, Inc., disclosure of which
5 would harm Defendants' interests. Thus, the Court finds that the Offline Lexis Materials were properly
6 withheld pursuant to FOIA Exemption 4. 5 U.S.C. § 552(b)(4). Accordingly, the Court hereby
7 ORDERS that Defendants' Cross-Motion for Summary Judgment is GRANTED and Plaintiff's Motion
8 for Summary Judgment is DENIED.

9 IT IS SO ORDERED.

10 DATED: _____

11 _____
12 HON. DONNA M. RYU
13 United States Chief Magistrate Judge
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